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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,499	10/12/2001	Bidyut Parruck	AZA-003-4D/2001-P007	3116
293	7590	10/05/2005	EXAMINER	
Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave. Suite 406 Alexandria, VA 22314			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/976,499	PARRUCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc T. Duong	2663	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-19 and 45-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 17-19, 45, 46, 48-50, 53 and 54 is/are rejected.
- 7) ☒ Claim(s) 47, 51 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claim 17, the claim defines both a method and an apparatus. Thus, the claim as a whole is neither a definition of a method nor of an apparatus but is instead a hybrid of the two. Therefore, it does not define the invention in the manner contemplated by the second sentence of 35 U.S.C. Sec. 112 (see *In re Oakley*, 1935 C.D. 198, 454 O.G. 536, 73 F.2d 934, 24 USPQ 75).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 17-19, 45, 46, 48-50, 53, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Momirov (US Patent 6,216,167 B1).

Regarding to claim 17, Momirov discloses a multi-service segmentation and reassembly (MS-SAR) integrated circuit 410 capable of processing a flow received from a switch fabric 450 (fig. 4 col. 6 lines 25) in accordance with a first egress application type or in accordance with a second egress application type (fig. 8 col. 9 lines 51-63; the flow is process by determining if it a unicast flow or multicast flow), an indication of an application type being present in the flow as the flow is received onto the MS-SAR (fig. 8 col. 9 lines 56-58), the MS-SAR locating the indication and if the indication indicates the first egress application type then the MS-SAR processes the flow in accordance with the first egress application type, but if the indication indicates the second egress application type then the MS-SAR processes the flow in accordance with the second egress application type (fig. 8. col. 9 lines 59-67; the flow if forwarded to the appropriated PID based on the determination in the header of the flow).

Regarding to claim 18, Momirov discloses the flow is received on the MS-SAR in the form of a switch cell, the switch cell including a switch header, the indication of an application type being a plurality of bits in the switch header (col. 9 lines 55-58).

Regarding to claim 19, Momirov discloses the flow is received from one of a plurality of input ports, each of the plurality of input pods having a port identification

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number (port ID), the MS-SAR having, for each of the plurality of input ports, access to locating information on where in a flow received on that input port the indication of application type would be located, the MS-SAR using the port ID of a flow to access the locating information, the MS-SAR using the locating information to locate in the flow the indication of application type (fig. 8 col. 9 lines 51-67).

Regarding to claims 45 and 53, Momirov discloses a switching device 400, comprising an ingress device 410 that performs a lookup operation on a flow, determines a selected egress application type (unicast or multicast type) associated with the flow, and embeds in the flow (header of the flow) an indication of the selected egress application type, the selected egress application type being one of a plurality of egress application types (fig. 5 col. 9 lines 1-17); an egress device 410 capable of performing egress processing in accordance with any one of the plurality of egress application types, the egress device receiving the flow, locating the embedded indication in the flow, and using the embedded indication to determine the selected egress application type, the egress device then egress processing the flow in accordance with the selected egress application type (fig. 8 col. 9 lines 51-67); and a switch fabric 450 through which the flow passes from the ingress device to the egress device (fig. 4 col. 6 lines 19-25).

Regarding to claim 46, Momirov discloses the ingress device is a first integrated circuit and wherein the egress device is a second integrated circuit, the first and second integrated circuits being substantially identical (col. 8 lines 5-10).

Regarding to claim 48, Momirov discloses the flow comprises a switch cell, wherein the egress device locates the embedded indication by reading a predetermined part (header) of the switch cell (col. 9 lines 55-58).

Regarding to claim 49, Momirov discloses the flow comprises a switch packet, wherein the egress device locates the embedded indication by reading a predetermined part (header) of the switch packet (col. 9 lines 55-58; noted the terms cell and packet are interpreted by the examiner to be the same thing).

Regarding to claims 50 and 54, Momirov discloses the egress device receives the flow on one of a plurality of logical input ports, the logical input port upon which the flow is received having a port identification number (PID), the egress device using the PID to locate the embedded indication in the flow (col. 9 lines 58-67).

#### ***Allowable Subject Matter***

5. Claims 47, 51, and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 55 and 56 allowed.

#### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RICKY NGO  
PRIMARY EXAMINER